

WEST VALLEY CITY, UTAH

RESOLUTION NO. 08-279

A RESOLUTION AUTHORIZING THE EXECUTION OF A COOPERATIVE AGREEMENT BETWEEN WEST VALLEY CITY, THE UTAH DEPARTMENT OF TRANSPORTATION (“UDOT”) AND UTAH TELECOMMUNICATIONS OPEN INFRASTRUCTURE AGENCY (“UTOPIA”) IN ORDER TO PLACE OVERHEAD COMMUNICATION FACILITIES ON 3500 SOUTH UNDERGROUND.

WHEREAS, Title 11, Chapter 13, Utah Code Annotated 1953, as amended, entitled “Interlocal Cooperation Act” provides that any one or more public agencies may contract with any one or more other public agencies to perform any governmental service, activity, or undertaking which each public agency is authorized by law to perform; and

WHEREAS, the Utah Department of Transportation (“UDOT”) is in the process of constructing a highway project identified as SP-0171(18)6; 3500 South, Bangerter Highway to 2700 West, Phase II, which includes the relocation of overhead communication facilities owned by Utah Telecommunications Open Infrastructure Agency (“UTOPIA”); and

WHEREAS, as amended effective July 1, 2000 72-6-116 Regulation of Utilities – Relocation of Utilities, (3) (a) (i), UTOPIA is a political subdivision and therefore UDOT will participate in 100% of the cost of required relocation of UTOPIA’s facilities; and

WHEREAS, the City desires to include a betterment with said work consisting of placing UTOPIA’s overhead communication facilities underground; and

WHEREAS, UDOT and UTOPIA are agreeable to said betterment providing the difference in costs between the minimum construction required and the City’s desired construction is at the City’s expense; and

WHEREAS, an agreement entitled “100% Reimbursement Agreement with West Valley City Betterment” (“Agreement”) has been prepared for execution by and between the City, UDOT and UTOPIA. This Agreement, which is attached hereto, sets forth the rights, duties, and obligations of each of the parties with respect thereto; and

WHEREAS, the City Council of West Valley City, does hereby determine that it is in the best interest of the health, safety, and welfare of the citizens of West Valley City to authorize the execution of the above-referenced Agreement; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of West Valley City, Utah, as follows:

1. That the Agreement is hereby approved and that the Mayor is hereby authorized to execute said Agreement for and in behalf of West Valley City.
2. That the City is hereby authorized to spend \$79,223.14 and the City’s final contribution shall not exceed \$87,145.45 for all additional costs of placing communication facilities underground as outlined in the Agreement.

PASSED, APPROVED and MADE EFFECTIVE this _____ day of _____, 2008.

WEST VALLEY CITY

MAYOR

ATTEST:

CITY RECORDER